

**NOT FOR PUBLICATION**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

|                        |   |                              |
|------------------------|---|------------------------------|
| _____                  | : |                              |
| Dr. Keenan K. Cofield, | : |                              |
|                        | : | Civil Action No. 15-558(RMB) |
| Plaintiff,             | : |                              |
|                        | : |                              |
| v.                     | : | <b>MEMORANDUM AND ORDER</b>  |
|                        | : |                              |
| United States Dep't    | : |                              |
| of Justice, et al.,    | : |                              |
|                        | : |                              |
| Defendants.            | : |                              |
| _____                  | : |                              |

This matter comes before the Court upon Plaintiff's Motion for Judgment on the Pleadings (ECF No. 36); and Motion to Add Defendants (amend complaint) (ECF No. 38.)

**I. BACKGROUND**

Plaintiff's prisoner civil rights action was transferred to this Court from the United States District Court, District of Columbia on January 28, 2015. (Transfer Order, ECF No. 12.) Plaintiff's claims arose out of events that occurred while he was imprisoned at the Federal Correctional Institution ("FCI-Fairton") in Fairton, N.J. (Compl., ECF No. 1-1 at 4-15.)

Defendants filed a motion to dismiss on August 21, 2015. (ECF No. 19.) On February 3, 2016, this Court granted Defendants' motion to dismiss, and dismissed the following claims with prejudice: the Bivens claims against the U.S. Department of Justice, the Federal

Bureau of Prisons (and divisions within the FBOP); Bivens claims against each of the federal officials and employees in their official capacities; and the Due Process claim related to Plaintiff's placement in administrative segregation. (Order, ECF No. 23.) The Court dismissed the remainder of the claims in Plaintiff's Complaint without prejudice, allowing Plaintiff to file an amended complaint to cure the deficiencies in his original complaint. (Id.)

## II. DISCUSSION

### A. Motion To Add Defendants

On July 5, 2016, Plaintiff submitted an Amended Complaint together with a motion to add defendants. When the Court dismissed certain of Plaintiff's claims without prejudice, Plaintiff was given permission to file an Amended Complaint, and the present motion is unnecessary. Defendants have responded to the Amended Complaint by bringing a partial motion to dismiss, which is pending. Plaintiff's Amended Complaint (ECF No. 38) is the operative pleading, and the present motion will be denied as moot.

### B. Motion For Judgment On The Pleadings

Plaintiff's motion is based on Defendants' failure to respond to his motion to strike (ECF. 34), filed on March 17, 2016. The Court denied Plaintiff's motion to strike on June 1, 2016, because the subject of the motion to strike, Defendants' letter response to Plaintiff's motions (ECF No. 33), was not an improper ex parte

letter. (Order, ECF No. 37.) Therefore, Plaintiff is not entitled to relief on his motion for judgment on the pleadings.

IT IS, therefore, on this **25th day of August, 2016,**

**ORDERED** that the Clerk shall reopen this matter; and it is further

**ORDERED** that Plaintiff's Motion to Add Defendants and Amend the Complaint (ECF No. 38) is DENIED as moot; and it is further

**ORDERED** that Plaintiff's Motion for Judgment on the Pleadings (ECF No. 36) is DENIED; and it is further

**ORDERED** that the Clerk shall serve a copy of this Order upon Plaintiff by regular U.S. Mail.

s/RENÉE MARIE BUMB  
**RENÉE MARIE BUMB**  
**UNITED STATES DISTRICT JUDGE**